

SDNY (NYNY)
04-cv-7447
Holwell

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

LISA BUTLER and STUART GABER,
Derivatively on Behalf of
IAC/InterActiveCorp.

Plaintiffs-Appellants,

v.

BARRY DILLER, DARA
KHOSROWSHAHI, JULIUS
GENACHOWSKI, RICHARD N.
BARTON, VICTOR A. KAUFMAN,
EDGAR BRONFMAN, JR., DONALD R.
KEOUGH, MARIE-JOSÉE KRAVIS,
JOHN C. MALONE, H. NORMAN
SCHWARZKOPF, ALAN SPOON,
DIANE VON FURSTENBERG, ROBERT
R. BENNETT, ANNE M. BUSQUET,
JEAN-RENÉ FOURTÔU and STEVEN
RATTNER.

Defendants-Appellees,

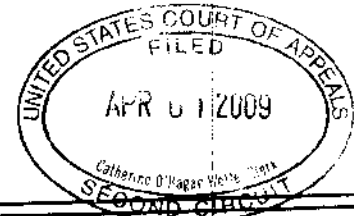
-and-

IAC/INTERACTIVECORP.

Nominal Defendant-Appellee

C.A. Docket No. 07-1697-cv

STIPULATION WITHDRAWING
APPEAL FROM ACTIVE
CONSIDERATION, WITHOUT
PREJUDICE, AND WITH LEAVE TO
REACTIVATE



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: APR 6 1 2009

WHEREAS the parties entered into a stipulation so-ordered by the Court June 14, 2007 suspending the above-captioned appeal until March 31, 2008;

WHEREAS the parties again entered into a stipulation so-ordered by the Court on March 28, 2008 suspending the above-captioned appeal until September 30, 2008;

WHEREAS the parties entered into another stipulation so-ordered by the Court on October 2, 2008 suspending the above-captioned appeal until March 30, 2009; and

WHEREAS the parties agree that a further suspension is warranted given the ongoing litigation in a related case: *In re IAC/InterActiveCorp. Sec. Litig.*, Master File No. 04-CV-7447 (S.D.N.Y.), which action may affect this appeal.

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the parties that the above-captioned appeal hereby continues to be withdrawn from active

consideration from the Court, such withdrawal to be without prejudice to a reactivation of the appeal by appellants' counsel so notifying the Clerk of this Court in writing by September 30, 2009. If not thus reactivated, the appeal shall be subject to dismissal with prejudice.

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

DATED: March 28, 2009

FARUQI & FARUQI, LLP

BY: 

NADEEM FARUQI

SHANE ROWLEY

BETH A. KELLER

369 Lexington Ave, 10th Floor

New York, NY 10017

Telephone: 212/983-9330

Facsimile: 212/983-9331

Attorney for Appellants

BULL & LIPSHITZ, LLP

BY:  / BAX

PETER D. BULL

18 East 41st Street

New York, NY 10017

Telephone: 212/213-6222

Facsimile: 212/213-9405

Attorney for Appellants

WACHTELL, LIPTON, ROSEN & KATZ

BY: 

STEPHEN R. DIPRIMA

JOSHUA A. NAFTALIS

51 West 52nd Street

New York, NY 10019

Telephone: 212/403-1000

Facsimile: 212/403-2000

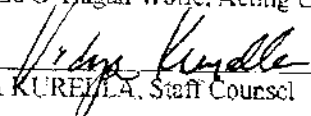
Attorney for Appellees

SO ORDERED.

FOR THE COURT

Catherine O'Hagan Wolfe, Acting Clerk

BY:


VIDYA KURELLA, Staff Counsel

3

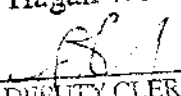
A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

MAR-30-2009 11:10AM From: 2129639331

ID:USCA PNDCIA

by


DEPUTY CLERK